

United States District Court, Northern District of Illinois

AEE

Name of Assigned Judge or Magistrate Judge	Charles R. Norgle	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	11 C 8963	DATE	2/1/2012
CASE TITLE	Lauretta Grady vs. Sudershan Dershi Saxena, et al.		

DOCKET ENTRY TEXT

Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* [4] and Motion for Appointment of Counsel [5] are denied. This case is dismissed without prejudice.



■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

Pro se Plaintiff Lauretta Grady ("Plaintiff") has filed a personal injury lawsuit against Dr. Sudershan Dershi Saxena, University of Chicago Medical Center Hospital, and Trade Name for Southwestern Medical Centers, Inc. S.C. Magna Surgical Center (collectively, "Defendants") for medical malpractice. Plaintiff's sparse complaint does not indicate her basis for federal subject-matter jurisdiction.

District courts have a "nondelegable duty to police the limits of federal jurisdiction." Market Sts. Assocs. Ltd. P'ship v. Frey, 941 F.2d 588, 590 (7th Cir. 1991). Because Plaintiff alleges a state law tort claim, the only conceivable basis for subject-matter jurisdiction is through diversity jurisdiction, 28 U.S.C. § 1332. Diversity jurisdiction, however, is plainly lacking because Plaintiff and Defendants are all citizens of Illinois. See 28 U.S.C. § 1332(a)(1); see also Miller v. Herman, 600 F.3d 726, 730 (7th Cir. 2010) ("Diversity jurisdiction, 28 U.S.C. § 1332, is of no concern here because Miller, Herman, and Herman & Associates all hail from Illinois."). The Court therefore lacks subject-matter jurisdiction. Accordingly, this case must be dismissed. Arbaugh v. Y&H Corp., 546 U.S. 500, 502 (2006) ("[W]hen a federal court concludes that it lacks subject-matter jurisdiction, the complaint must be dismissed in its entirety."); see also Fed. R. Civ. P. 12(h)(3) ("If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.").

IT IS SO ORDERED.

U.S. DISTRICT COURT
CLERK
2012 FEB -2 PM 5:39
FILED-ED